UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

George Williams,

      Petitioner,

           v.   Case No. 1:09-cv-317

Warden, Ohio State   District Judge Michael R. Barrett
Penitentiary,   Magistrate Judge Michael R. Merz

      Respondent.

ORDER

This matter is before the Court on the Report and Recommendations filed by the Magistrate Judge on July 9, 2010 (Doc. 29), Petitioner's objections (Doc. 30), and the Supplemental Report and Recommendations filed by the Magistrate Judge on September 3, 2010 (Doc. 34). No objections have been filed to the Supplemental Report and Recommendation, and the time for filing such objections under Fed. R. Civ. 72(b) expired on December 3, 2010.

Proper notice was given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. *See United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

Upon *de novo* review pursuant to 28 U.S.C. § 636, the Court finds the Magistrate Judge's recommendations to be correct. Accordingly, the Report and Recommendations and the Supplemental Report and Recommendations are hereby **ADOPTED**.   The petition for writ of habeas corpus is **DISMISSED WITH PREJUDICE**.

A certificate of appealability should not issue with respect to Petitioner's claims for relief under the applicable two-part standard enunciated in *Slack v. McDaniel,* 529 U.S.

473, 484-85 (2000). With respect to any application by Petitioner to proceed on appeal in

forma pauperis, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of any

Order adopting this Report and Recommendation would not be taken in "good faith," and

therefore **DENIES** Petitioner leave to appeal in *forma pauperis* upon a showing of financial

necessity. *See* Fed. R. App. P. 24(a); *Kincade v. Sparkman*, 117 F.3d 949, 952 (6th Cir.

1997).

      IT IS SO ORDERED.

           /s/ Michael R. Barrett
           Michael R. Barrett, Judge
           United States District Court